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P. 001/004

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## TELCOPY PLEASE DELIVER AS SOON AS POSSIBLE

DATE: February 3, 2004

TO: USPTO, ATTN: EXAMINER DAVID H. KRUSE  
FROM: W. Murray Spruill

Re: U.S. Patent Application for *Genes and Vectors Conferring Herbicide Resistance in Plants*  
Appl. No. 09/997,900; Filed November 30, 2001

NO. OF PAGES:  
(Including cover page) 4

OPERATOR:

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USER CODE:	SPRUM	FAX NUMBER:	(571) 273-0799
CLIENT/MATTER:	043753/241148		
REQUESTED BY:	Marilyn Munoz	VOICE NUMBER:	(571) 272-0799

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PAGE 1/4 \* RCVD AT 2/3/2004 4:19:51 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/24 \* DNIS:2730799 \* CSID:9198622260 \* DURATION (mm:ss):01:48

Attorney's Docket No. 043753/241148 (5849-20A)

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Kakefuda et al. Confirmation No.: 5699  
 Appl. No.: 09/997,900 Group Art Unit: 1638  
 Filed: November 30, 2001 Examiner: David H. Kruse  
 For: GENES AND VECTORS FOR CONFERRING HERBICIDE RESISTANCE IN  
 PLANTS

February 3, 2004

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER  
 UNDER 37 C.F.R. § 1.321(c)**

Applicant hereby submits via this facsimile transmission, the attached Terminal Disclaimer Under 37 C.F.R. § 1.321(c) for the above referenced application. Please charge Deposit Account No. 16-0605, in the amount of \$110.00 for a large entity to cover the fee for filing a Terminal Disclaimer.

It is not believed that extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-0605.

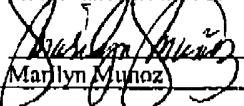
Respectfully submitted,

  
 W. Murray Spruill  
 Registration No. 32,943

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**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to Examiner David H. Kruse at the US Patent and Trademark Office at facsimile number (571) 273-0799 on the date shown below.

  
 Marilyn Munoz

 2-3-04  
 Date

Attorney's Docket No. 043753/241148 (5849-20A)

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**TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(e)**

I, W. Murray Spruill, am an attorney of record of the disclaimant, BASF Aktiengesellschaft, and am authorized to execute this disclaimer on behalf of BASF Aktiengesellschaft. The disclaimant, BASF Aktiengesellschaft, having a principal place of business at BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709, is the owner of all right, title, and interest in the above-identified application, by an Assignment recorded November 16, 2001, at Reel 012276, Frame 0001.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,348,643, issued February 19, 2002, entitled *DNA SEQUENCES ENCODING THE ACETOHYDROXY-ACID SYNTHASE SMALL SUBUNIT AND METHODS OF USE*, which patent was assigned to the above-identified disclaimant by an Assignment recorded November 16, 2001, at Reel 012276, Frame 0001.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,348,643, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory

In re: Kakefuda et al.  
Appl. No.: 09/997,900  
Filing Date: November 30, 2001  
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term of U.S. Patent No. 6,348,643 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(c), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,



Date: 2-3-04

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Registration No. 32,943

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